

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In Re:	DAVID F. CURTISS	:	CHAPTER 13
		:	
	Debtor	:	
		:	BANKRUPTCY NO. 20-11587-MDC
		:	

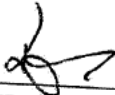
JOINT STIPULATION RESOLVING THE OBJECTION TO PROOF OF CLAIM #8

It is hereby stipulated by and between Lohr & Associates, Ltd., counsel for David F. Curtiss (the “Debtor”) and R. Kerry Kalmbach, Esquire (“Kalmbach”) (collectively the “Parties”) as follows:

1. On March 13, 2020, the Debtor filed a voluntary petition under chapter 13 of the Bankruptcy Code thereby commencing the above-captioned bankruptcy case.
2. On May 20, 2020, the meeting of creditors was held and concluded.
3. On May 20, 2020, Kalmbach timely filed unsecured proof of claim #8 in the amount of \$113,509.80.¹
4. On November 4, 2020, the Debtor filed Defendant David F. Curtiss’s Verified Petition to Strike Default Judgment in the Chester County Court of Common Pleas.
5. On December 2, 2020, Kalmbach filed Plaintiff’s Answer to Defendant David F. Curtiss’s Verified Petition to Strike Default Judgment.
6. On December 28, 2020, an Order was entered granting Defendant’s/Debtor’s Petition to Strike Default Judgment. (A true and correct copy of the Order is attached hereto as Exhibit 1).

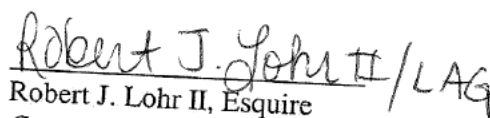
¹ Although proof of claim #8 was filed as an unsecured claim, this was in error as Kalmbach held a judgment against the Debtor by virtue of a default judgment entered in the Chester County Court of Common Pleas on January 31, 2019. Accordingly, as of May 20, 2020, Kalmbach’s proof of claim #8 should have been filed as a secured claim. The Debtor scheduled Kalmbach’s claim as secured on schedule D.

7. On January 6, 2021, the Debtor filed Objection to Proof of Claim #8.
8. In an effort to resolve the issues raised in the Objection to Proof of Claim #8, the Parties wish to stipulate to the new claim amount to be \$25,000.00, which is reflected in the Amended Proof of Claim #8. (A true and correct copy of the Amended Proof of Claim #8 is attached hereto as Exhibit 2).
9. In the event that the Debtor's bankruptcy case is dismissed or converted to chapter 7, the Parties agree that Kalmbach's claim remains \$25,000.00.




R. Kerry Kalmbach, Esquire
Holder of Proof of Claim #8

No Objection
/s/ LeeAne O Huggins
William C. Miller, Esquire
Office of the Chapter 13
Standing Trustee



Robert J. Lohr II, Esquire
Counsel for the Debtor

AND NOW, this 5th day of June, 2021, upon consideration of the foregoing Joint Stipulation Resolving the Objection to Proof of Claim #8, it is hereby ORDERED that the Joint Stipulation is approved.



Magdelene D. Coleman
Chief U.S. Bankruptcy Judge